

## Board for Professional and Occupational Regulation Meeting

### MINUTES

The Board for Professional and Occupational Regulation met on Monday, September 18, 2006, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. The following members were present for all or part of the meeting:

Nancy Finley Barbour  
Julie Clifford, Chair  
Walter Fore  
Maxime A. Frias  
Ronald E. Lushbaugh, Vice-Chair  
William Alfred Tucker

The following members were absent from the meeting:

E. Wilson Clary, Jr.  
James M. Demmel

The following staff were present for all or part of the meeting:

Jay W. DeBoer, Director  
David B. Ashe, Chief Deputy  
Nick A. Christner, Deputy Director for Compliance and Investigations  
Mary Broz-Vaughan, Director of Communications, Legislation, and Consumer Education  
Bonnie Rhea Adams, Director for Complaint Analysis and Review  
Mark N. Courtney, Executive Director  
Judy Spiller, Executive Secretary

There was no representative from the Office of the Attorney General present at the meeting.

Julie Clifford, Chair, called the meeting to order at 10:04 a.m., noting that a quorum was present.

**Call to Order**

Mr. Fore moved to approve the agenda. Mr. Frias seconded the motion, which was unanimously approved by members: Barbour, Clifford, Fore, Frias, Lushbaugh, and Tucker.

**Agenda**  
**Approval**

Mr. Fore moved to approve the June 5, 2006, minutes as presented and Mr. Frias seconded the motion, which was unanimously approved by members: Barbour, Clifford, Fore, Frias, Lushbaugh, and Tucker.

**Approval of**  
**Minutes**

No comments were made to the Board members at this time.

**Public**  
**Comment**

Director DeBoer welcomed all to the meeting. He spoke about the challenges facing the Department, including heating and air conditioning problems in the building. During a week in the hottest part of the summer, the Department operated with no air conditioning. Likewise, it has been so cool in some areas of the building that requests have been received for heaters. The agency is looking for office space and working closely with the Commonwealth of Virginia's Real Estate Management office.

**Jay W. DeBoer,**  
**Director's**  
**Report**

The Department is preparing its budget for the coming year which will then move forward to the Secretary's office, Department of Planning and Budget, and to the Governor's office for approval.

The Director told Board members that Karen O'Neal, Deputy Director for Licensing and Regulation, is out for an extended time due to an injury, and Executive Director Mark Courtney found it necessary to return from the NCEES conference in Alaska because of illness.

Deputy Director Ashe reported to the Board that he attended the CLEAR annual conference in Alexandria, September 14-15, 2006, and reports from all sources that DPOR is a premier agency, leading the way on many fronts.

**David B. Ashe,**  
**Chief Deputy**

He also reported that the Governor's Chief of Staff Bill Leighty spoke to the CLEAR Conference on the lessons learned from Hurricane Katrina.

Chairman Clifford commended DPOR employees for working under trying conditions, and expressed her best wishes to Karen and Mark.

Executive Director Courtney gave the Board members a package of information entitled, "Background Information Related to the Study to Determine Whether the Auto Body Repair Industry Needs to be Regulated." He explained that additional materials would be mailed to them, with the final draft report to be presented at the November BPOR Board meeting.

**Agency Reports**  
**Mark Courtney,**  
**Executive**  
**Director, BPOR**  
**Board**

The Board members who attended the auto body public hearings discussed the content of the various hearings across the state during the summer.

Director Broz-Vaughan spoke to the Board concerning possible legislation for 2007 and reminded the members that the General Assembly is still in session. The General Assembly will again meet on September 27, 2006, to address the issue of transportation.

**Mary Broz-**  
**Vaughan,**  
**Director of**  
**Communica-**  
**tions,**  
**Legislation, and**  
**Consumer**  
**Education**

The Department is monitoring the Housing Study Commission regarding condo and property owners associations and whether the legislature should play a role in the control of property owners associations.

The Department is preparing three legislative concerns:

1. Correct an error in the Wetland Professionals exam waiver date to extend the date of the waiver.
2. Bring about a legislative change to determine how Branch Pilots may calculate pilotage rates – from shipping units to gross tonnage.
3. Amend the Real Estate Recovery Act to allow interest from the fund to be spent on education of consumers and Real Estate licensees.

The Department will be tracking other legislation as required.

Director of Complaint Analysis and Review Adams spoke to the Board about the recent CLEAR conference in Alexandria, Virginia, hosted by the Department of Professional and Occupational Regulation, along with the Department of Health Professions, and the Department of Criminal Justice Services. She explained that the conference is a valuable resource for the Department, providing training, conferences, and publications to licensing and regulatory agencies in the United States and internationally, including a group from Canada. Ms. Adams also agreed with Deputy Director Ashe that the Department is ahead of the curve in many areas, noting that, as an example, our Board members receive a CD with the agenda before board meetings.

**Bonnie Rhea**  
**Adams, Director**  
**of Complaint**  
**Analysis and**  
**Review**

Deputy Director for Compliance and Investigations Nick A. Christner spoke to the Board regarding his request for an increase in staffing for 30 additional positions. He cited several indicators to show the need for additional staff:

**Nick A.**  
**Christner,**  
**Deputy Director**  
**for Compliance**  
**and**  
**Investigations**

1. Difficulty meeting the goal of completing an investigation in 90 days.
2. Feedback from investigators.
3. Increase in complaints, affecting morale, and turnover due to high caseloads.
4. Increase in regulant population from 275,000 in 2004 to the current number of 310,000. This is caused by both economic growth and citizen population growth. Seven counties and cities in the Commonwealth are among those showing the highest growth in the United States.
5. Number of complaints is increasing: 7,500 in 2002-2004 biennium compared to 10,600 complaints in 2004-2006 biennium.
6. Currently four regulatory divisions in the state, with investigators sharing the load in high volume areas. Part time workers (P-14's) have been moved in-house. Lower level cases have been assigned to complaint staff, who are not investigators.

Upon direction from the Chair, Director DeBoer opened the floor to nominations for Chair and Vice-Chair for the coming year. Mr. Lushbaugh nominated Julie Clifford to serve a second term as Chair, citing her ability and diligence. Mr. Fore seconded the nomination, and the Director asked for the nominations to be closed. The vote to close the nominations was unanimously approved by members: Barbour, Clifford, Fore, Frias, Lushbaugh, and Tucker. Ms. Clifford was the sole nomination and was declared Chair for the next year.

**Other Business**

Mr. Lushbaugh nominated Maxime Frias to serve a term as Vice-Chair. Mr. Fore seconded the nomination, and the Director asked for nominations to be closed. The vote to close the nominations was unanimously approved by members: Barbour, Clifford, Fore, Frias, Lushbaugh, and Tucker. Mr. Frias was the sole nomination and was declared Vice-Chair for the next year.

Mr. Fore moved to adjourn. Mr. Lushbaugh seconded the motion, which was unanimously approved by members: Barbour, Clifford, Fore, Frias, Lushbaugh, and Tucker. The meeting adjourned at 11:30 a.m.

**Adjournment**

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Julie Clifford, Chair

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Jay W. DeBoer, Secretary